

CALIFORNIA STATE PERSONNEL BOARD MEETING  
801 Capitol Mall  
Sacramento, California

Public Session Location - Room 150  
Closed Session Location - Room 141

TWO-DAY BOARD MEETING - MAY 4-5, 1999

FULL BOARD MEETING MINUTES

MAY 4, 1999

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

BOARD MEMBERS PRESENT:

Florence Bos, President  
Ron Alvarado, Vice President  
Richard Carpenter, Member  
William Elkins, Member  
Lorrie I. Ward, Member

2. ORAL ARGUMENT

Oral argument in the matter of **YVONNE M. VILLANUAVA**, Case No. 97-3061. Appeal from dismissal. Department of Corrections.

Persons Participating:

Robert D. Pellinen, Attorney at Law, representing appellant  
Edwin T. (Tim) Shea, Staff Counsel, representing the  
Department of Corrections

ACTION: Submitted

3. ORAL ARGUMENT

Oral argument in the matter of **DENNIS K. WILLIAMS**, Case No. 98-2262. Appeal from rejection. Department of Rehabilitation.

Person Participating:

William J. Flynn, Attorney at Law, Neyhart, Anderson, Freitas,  
Flynn & Grosboll, representing appellant  
Abigail M. Cruz, Staff Counsel, representing the Department of  
Rehabilitation

ACTION: Submitted

4. ORAL ARGUMENT

Oral argument in the matter of **TODD SMITH**, Case No. 97-2271.  
Appeal from dismissal. Department of Consumer Affairs.

Persons Participating:

Scott Williams, Attorney at Law, Frampton, Williams & Little,  
representing appellant  
Linda Nelson, Labor Relations Counsel, Department of Personnel  
Administration, representing the Department of Consumer Affairs

ACTION: Submitted

BOARD ACTIONS

5. STATE PERSONNEL BOARD SUMMARY MINUTES OF APRIL 20, 1999

ACTION: Adopted on May 5, 1999.

VOTE: Bos, Alvarado, Carpenter, Elkins, Ward - Aye.

6. ACTION ON SUBMITTED ITEMS

ACTION: (See page 5, May 5)

7. ADMINISTRATIVE LAW JUDGE CASES

On May 5, 1999, the Board adopted the following decisions  
presented by Elise Rose, Chief Counsel, California State  
Personnel Board.

VOTE: Bos, Alvarado, Carpenter, Elkins, Ward - Aye.

Carpenter abstained on Proposed Decision - Delita  
Marshall, Case No. 98-4899

REJECTED AND REMANDED DECISION

GARY S. GARFINKLE (G.S. ROE), CASE NO. 98-3128

Appeal from dismissal

Department of Justice

ACTION: Dismissal Set Aside

PROPOSED DECISIONS

CHRISTOPHER MORGAN, CASE NO. 98-4855  
Appeal from 5 percent reduction in Salary for 6 month  
Department of Corrections  
ACTION: Reduction in Salary Sustaining

CHARMAINE QUIROZ, CASE NO. 98-4585  
Appeal from rejection  
Department of Motor Vehicles  
ACTION: Rejection Affirmed and Appeal Denied

MICHAEL F. BRITT, CASE NO. 98-0899  
Appeal from rejection  
Department of Community Development  
ACTION: Rejection Affirmed and Appeal Denied

JOHN D. YOUNG, CASE NO. 98-3996  
Appeal from dismissal  
Department of Industrial Relations  
ACTION: Administrative Law Judge's proposed decision rejected  
by Board. Board to decide case itself.

NICHOLAS LEON, CAES NO. 98-3392  
Appeal from 40-calendar day's suspension  
Department of Corrections  
ACTION: 40 Calendar days Suspension Modified To 20 Calendar  
Days Suspension

JAIME PARDO, CASE NO. 98-3498  
Appeal from dismissal  
Department of Corrections  
ACTION: Board adopted findings of fact, but modified  
penalty to 30 calendar days suspension

ROBERT H. DAYTZ, CASE NO. 99-0193  
Appeal from rejection  
Department of Corrections  
ACTION: Rejection Affirmed and Appeal Denied

DELITA MARSHALL, CASE NO. 98-4899  
Appeal from 5 days suspension  
Department of Rehabilitation  
ACTION: Board adopted findings of fact, but modified  
penalty to official reprimand

REWANDA PLEASANT-BROWN, CASE NO. 98-0312  
Appeal from rejection  
State Board of Equalization  
ACTION: Rejection Affirmed and Appeal Denied

SHIRLEY ALAVEZ, CASE NO. 98-4704

Appeal from dismissal  
Department of Motor Vehicles  
ACTION: Dismissal to Modified Months Suspension

MICHAEL D. RAYMER, CASE NO. 98-5237  
Appeal for backpay  
Department of Corrections  
ACTION: Proposed decision rejected by Board and remanded to  
Administrative Law Judge

STEVEN J. RICHINS, CASE NO. 97-4999  
Appeal from rejection  
Stephen P. Teale Data Center  
ACTION: Rejection Affirmed and Appeal Denied

ESIDRO GANTONG, JR., CASE NO. 98-4713  
Appeal from dismissal  
Department of Developmental Services  
ACTION: Dismissal Sustained

CHRISTOPHER J. FIEF, CASE NO. 98-3341  
Appeal from 10 working days suspension  
Department of California Highway Patrol  
ACTION: Board adopted findings of fact, but modified  
penalty to official reprimand

ROCKIE D. GONSALVES, CASE NO. 99-0695  
Appeal from official reprimand  
Department of Corrections  
ACTION: Official Reprimand Sustained

CONNIE MACE, CASE NO. 98-4730  
Appeal from dismissal  
Human Services Agency  
Merced County  
ACTION: Dismissal Modified to 6 Months Suspension

JUSTIN STAHL, CASE NO. 97-2459  
Appeal from dismissal  
Department of Corrections  
ACTION: Dismissal Sustained

JEANNETTE H. MCANDREW, CASE NO. 99-0014  
Appeal from 1-week suspension  
Department of Developmental Services  
ACTION: Suspension Sustained

HARRY SARNI, CASE NO. 98-4141

Appeal from 30-calendar day's suspension  
Museum of Science and Industry

ACTION: Board adopted findings of fact, but modified  
penalty to 5 calendar days suspension

ARMANDO RUIZ, CASE NO. 98-1598

Appeal from dismissal

Department of Transportation

ACTION: Dismissal Sustained

EDDIE WOO PARK, CASE NO. 98-4703

Appeal from 2 weeks suspension

State Compensation Insurance Fund

ACTION: Board adopted findings of fact, but modified  
penalty to official reprimand

JUANITA COLEMAN, CASE NO. 98-4382

Appeal from 15 days suspension

Department of Mental Health

ACTION: Suspension Sustained

HERBERT LEE ENGLISH, CASE NO. 98-1035

Appeal from 10 percent reduction in salary for 6 months

Department of the Youth Authority

PETITIONS FOR REHEARING

DARYL RUSSELL, CASE NO. 98-0597

Appeal from 1 step reduction in Salary for 18 months

Department of Corrections

ACTION: Petition for Rehearing Filed by Appellant Denied

WARD SHELDON, CASE NO. 98-0319

MICHAEL CROMBIE, CASE NO. 98-0380

Appeals from 30 calendar days suspension

Department of Corrections

ACTION: Petition for Rehearing Filed by Appellant Denied

ROBERT WILIAMS, CASE NO. 98-1508

Appeal from demotion

Department of Industrial Relations

ACTION: Petition for Rehearing Filed by Appellant Denied

JOHN BLALOCK, CASE NO. 98-3177

Appeal from 5 working days suspension

Employment Development Department

ACTION: Petition for Rehearing Filed by Appellant Denied

8. RESOLUTION RE NOTICE OF GOVERNMENT CODE SECTION 18671.1  
EXTENSION.

ACTION: (See pages 06-08, May 5)

9. MISCELLANEOUS APPEALS DIVISION CASES  
(Discrimination Complaints, Withholds, Voided Appointments,  
Rule 211 Appeals, Petitions for Rehearing)  
On May 5, 1999, the Board adopted the following decisions  
presented by Linda Brooks, Assistant Executive Officer,  
California State Personnel Board.  
VOTE: Bos, Alvarado, Carpenter, Elkins, Ward - Aye.

WITHHOLD DENIAL CASES

CASE HEARD BY A STAFF HEARING OFFICER

- A. KATHY MESEROLE, Case # 97-5122  
The appeal of Kathy Meserole from the action of the  
Department of Corrections to withhold her name from  
certification to the eligible list for Institutional  
Personnel Officer I and II.  
ACTION: DENIED

WITHHOLD DENIAL CASES

CASES NOT HEARD BY A STAFF HEARING OFFICER

- B.
1. ARTHUR R. AGUILERA, Case No. 98-5125  
Classification: Correctional Officer.  
ACTION: DENIED
  2. Tobin Cover, Case No. 99-0140  
Classification: Correctional Officer  
ACTION: DENIED
  3. TRINA DE LA TRINIDAD, Case No. 99-0138  
Classification: Correctional Officer  
ACTION: DENIED
  4. MARY J. EDWARDS, Case No. 99-0217  
Classification: Correctional Officer  
ACTION: DENIED
  5. SHEREMOYA R. HILL, Case No. 99-0497  
Classification: Correctional Officer  
ACTION: DENIED

6. CHRISTOPHER KNAAK - CASE #99-0126  
Classification: Correctional Officer  
ACTION: DENIED
7. MARDELLA OFORLEA - CASE #99-0127  
Classification: Correctional Officer  
ACTION: DENIED
8. ENRIQUE PINA; Case No. 98-4825  
Classification: Cadet, CHP  
ACTION: DENIED
9. RUBEN ROMERO, Case No. 98-4987  
Classification: Research Analyst II (General)  
ACTION: DENIED
10. ANDREW SHOMERS - Case #99-0219  
Classification: Correctional Officer  
ACTION: DENIED
11. HECTOR SOSA, Case No. 99-0392  
Classification: Correctional Officer  
ACTION: DENIED
12. Eugenio Tejeda - Case #99-0276  
Classification: Correctional Officer  
ACTION: DENIED

DISMISSAL CASES

CASES NOT HEARD BY A STAFF HEARING OFFICER

- \* JUSTIN JAMES BOTTINI, Case No. 99-0395  
Classification: Correctional Officer  
ACTION: DISMISSED - No timely response to SPB request for information.
- \* CALVIN L. EDEN, Case No. 99-0862  
Classification: Correctional Officer  
ACTION: DISMISSED - No timely response to SPB request for information.
- \* GEORGE ANTHONY GOLD, Case No. 99-0860  
Classification: Correctional Officer  
ACTION: DISMISSED - No timely response to SPB request for information.
- \* JACQUELYN HUNT, Case No. 99-0496  
Classification: Hospital Peace Officer I  
ACTION: DISMISSED - No timely response to SPB request for information.

- \* SCOTT A. IRISH, Case No. 99-0222  
Classification: Correctional Officer  
ACTION: DISMISSED - No timely response to SPB request for information.
- \* SERGIO LESCH, Case No. 99-1093  
Classification: Correctional Officer  
ACTION: DISMISSED - No timely response to SPB request for information.
- \* WAYMONA A. SCULLARK, Case No. 98-5036  
Classification: Correctional Officer  
ACTION: DISMISSED - No timely response to SPB request for information.
- \* DANIEL G. STOCKERT, Case No. 98-5117  
Classification: Janitor  
ACTION: DISMISSED - No timely response to SPB request for information.
- \* JOHN WALLS, Case No. 98-5244  
Classification: Correctional Officer  
ACTION: DISMISSED - No timely response to SPB request for information.

10. MEDICAL APPEALS

On May 5, 1999, the Board adopted the following decisions presented by Linda Brooks, Assistant Executive Officer, California State Personnel Board.

VOTE: Bos, Carpenter, Alvarado, Elkins, Ward - Aye.

CASES HEARD BY A STAFF HEARING OFFICER

- A. DEBORAH PARKS, Case No. 97-5080  
ACTION: GRANTED
- B. ROBERT DAIL, Case No. 98-3948  
ACTION: DENIED
- C. DREW MOSHER, Case No. 98-3657  
ACTION: DENIED
- D. ELAINE BOOKER, Case No. 98-2425  
ACTION: DENIED

CASES NOT HEARD BY A STAFF HEARING OFFICER

- E. MELVIN JONES, Case No. 99-1176  
Psychological disqualification.



ACTION: GRANTED - An appointment to the next available academy, after successful completion of the remainder of the process.

- F. KENNETH YOON, Case No. 99-1177  
ACTION: GRANTED - An appointment to the next available academy, after successful completion of the remainder of the process.
- G. MICHAEL ZERFAS, Case No. 99-1178  
ACTION: GRANTED - An appointment to the next available academy, after successful completion of the remainder of the process.

DISMISSAL CASES

- \* WILLIAM DEMPS, Case No. 99-1252  
Classification: Correctional Officer  
ACTION: Appellant withdrew appeal.

11. EXAMINATION APPEALS

On May 5, 1999, the Board adopted the following decisions presented by Linda Brooks, Assistant Executive Officer, California State Personnel Board.

VOTE: Bos, Alvarado, Carpenter, Elkins, Ward - Aye.

CASE NOT HEARD BY A STAFF HEARING OFFICER

- A. LESA GARZA, Case No. 98-1957  
Final Filing Date: April 22, 1998  
Examination: Promotional Readiness Evaluation,  
Organizational Review Committee,  
Optional Oral Presentation  
Class: Senior Accounting Officer  
(Specialist)  
Testing Agency: Department of Social Services  
Appeal Received: May 22, 1998  
ACTION: GRANTED - The Examination Unit agrees that Ms. Garza should be given a deferred examination.

DISMISSAL CASES

CASES NOT HEARD BY A STAFF HEARING OFFICER

- \* GEORGE LANNES, Case No. 98-3814  
Classification: Structural Steel Paint Leadworker

ACTION: DISMISS - Appellant did not confirm appearance for scheduled hearing.

- \* RONALD L. BASS, Case No. 98-1338  
Classification: Correctional Lieutenant  
ACTION: DISMISS - Appellant did not confirm appearance for scheduled hearing.

12. MERIT ISSUE COMPLAINT APPEALS

On May 5, 1999, the Board adopted the following decisions presented by Linda Brooks, Assistant Executive Officer, California State Personnel Board.

VOTE: Bos, Alvarado, Carpenter, Elkins, Ward - Aye.

CASES HEARD BY A STAFF HEARING OFFICER

- A. ALI ALQATAMI AND RAAFAT SHEHATA, Case No's 98-4534 and 98-4535  
ACTION: DENIED
- B. PATRICIA MACIAS, Case No. 98-1219  
ACTION: DENIED - Because the appellant was demoted in-lieu of layoff, it is recommended that she be placed on a reemployment eligibility list for MST for a five-year period.

DISMISSAL CASE

CASE HEARD BY A STAFF HEARING OFFICER

- C. MICHELLE ARMITAGE, ET AL, Case No's 98-3975, 3675, 4012, 4013, 4014, 4015, and 4016.  
ACTION: DISMISSED - Review and determination of the legality of appointments is done by State Personnel Board staff not involved in the appeal process.

13. REQUEST TO FILE CHARGES CASES

On May 5, 1999, the Board took the following actions presented by Linda Brooks, Assistant Executive Officer, California State Personnel Board.

VOTE: Bos, Alvarado, Carpenter, Elkins, Ward - Aye.

REQUEST TO FILE CHARGES

CASES NOT HEARD BY A STAFF HEARING OFFICER

- A. PETITIONER: Deborah Austin, an employee of the Department of Corrections.  
ACTION: DENIED

14. NON-HEARING CALENDAR

On May 5, 1999, the Board adopted items A and B, item "C" was withdrawn and will be re-scheduled at the May 18, 1999 Board meeting. These items were presented by Linda Brooks, Assistant Executive Officer, California State Personnel Board.  
VOTE: Bos, Alvarado, Carpenter, Elkins, Ward - Aye.

A. LEGAL TYPIST/SECRETARY SERIES

SENIOR TYPIST, LEGAL

LEGAL TYPIST

LEGAL SECRETARY

SENIOR STENOGRAPHER, LEGAL

SUPERVISING LEGAL STENOGRAPHER I

The Department of Justice proposes establishment of the Legal Typist/Secretary class series by re-titling and revising the Senior Typist, Legal class to Legal Typist and revising the Legal Secretary class to add alternate range criteria to encompass the more complex legal secretarial duties performed in some departments. The Department of Justice also proposes that the probationary period for the Legal Secretary class be changed from six-months to one year. It is also proposed that the Senior Stenographer, Legal and Supervising Legal Stenographer I classes be abolished and existing incumbents reallocated to the appropriate class in the Legal Typist/Secretary series.

B. AUDITOR, BUREAU OF STATE AUDITS SERIES

SUPERVISING AUDITOR

The Bureau of State Audits proposes to re-title and revise the series specification for Auditor, Bureau of State Audits and abolish the Supervising Auditor, Bureau of State Audits class.

C. WITHDRAWN

15. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

A. CEA POSITION ACTIONS CURRENTLY UNDER CONSIDERATION

( 1) CHIEF, INFORMATION TECHNOLOGY BRANCH

CHIEF, FINANCIAL & MANAGEMENT SERVICES BRANCH

CHIEF, HUMAN RESOURCES & SUPPORT SERVICES BRANCH

The California Energy Commission proposes to allocate the above positions to the CEA category. The Department indicates that these positions will

report to the Executive Directorate and will be responsible for developing, implementing and evaluating policies within their functional area of responsibility. Currently, the Administrative Services Division is comprised of the above three branches under the direction of a CEA 2. The Commission proposes to reorganize the division, remove the CEA 2 designation and create three distinct and separate branches, each with a CEA. (Board meeting of March 23, 1999.)

- ( 2) CHIEF, BUSINESS SYSTEMS  
CHIEF, TECHNOLOGY  
The State Controller's Office proposes to allocate the above positions to the CEA category. The Department indicates that these positions will report to the Chief, Information Systems Division and will be responsible for setting policy within their functional area of responsibility. (Board meeting of March 23, 1999.)
- ( 3) CHIEF INFORMATION OFFICER  
The Department of Finance proposes to allocate the above position to the CEA category. The Department indicates that this position will report to the Program Budget Manager and will be responsible for the recommendation and development of policies regarding the effective use of information technology in support of the Department's mission. (Board meeting of April 6 1999.)
- ( 4) DIRECTOR, DIVISION OF LEGAL SUPPORT AND TECHNOLOGY  
The Department of Justice proposes to allocate the above position to the CEA category. The Department indicates that this position will report to the Chief Deputy, Administration and Policy and will serve as key policy maker in relation to computer technology issues for the Department. (Board meeting of April 6, 1999.)
- ( 5) PROGRAM MANAGER, HUMAN RESOURCES MANAGEMENT AND PAYROLL SYSTEMS  
The Office of the State Controller proposes to allocate the above position to the CEA category. The Department indicates that this position will report to the Chief, Information Systems Division and will be responsible for policy decisions relative to the development, implementation and initial maintenance of the Human Resources Management and Payroll Systems. (Board meeting of April 6, 1999.)

- ( 6 ) DIRECTOR, STAFF PLANNING AND DEVELOPMENT  
The Public Utilities Commission proposes to allocate the above position to the CEA category. The Department indicates that this position will report to the Executive Director and will be responsible for developing and implementing long-range strategic plans and policies in the areas of staff relations and development and Business Plan human resources objectives. (Board meeting of April 20, 1999.)
- ( 7 ) CHIEF INFORMATION OFFICER  
The Student Aid Commission proposes to allocate the above position to the CEA category. The Department indicates that this position will report to the Directorate and will be responsible for formulating the Department's information technology policy. (Board meeting of April 20, 1999.)
- ( 8 ) CHIEF, FINANCIAL AND ACCOUNTING SERVICES  
The Department of Veterans Affairs proposes to allocate the above position to the CEA category. The Department indicates that this position will report to the Deputy Secretary, Administration and will be responsible for the day-to-day administrative decisions and leadership in the areas of headquarters accounting, reimbursements, accounting systems, veterans home accounting and budgets including contracting. (Board meeting of April 20, 1999.)
- ( 9 ) R STREET PROJECT MANAGER  
The California Public Employees' Retirement System proposes to allocate the above position to the CEA category. The Department indicates that this position will report to the Chief Executive Officer and will be responsible for the recommendation and formulation of departmental policy, planning and program implementation for the R Street Project. (Board meeting of May 4, 1999.)
- (10) CHIEF INFORMATION OFFICER  
The Department of Motor Vehicles proposes to allocate the above position to the CEA category. The Department indicates that this position will report to the Directorate and will be responsible for developing the Department's long-term strategic vision and direction regarding information technology matters and will act as the principal advisor to the Directorate, the Business

and Transportation Agency and the Administration on matters related to information technology programs.

(Board meeting of May 4, 1999.)

B. CEA POSITION ACTIONS APPROVED BY DPA AND APPROVED OR DENIED BY SPB MANAGEMENT

- (1) ASSISTANT TO THE DIRECTOR  
ASSISTANT TO THE SPECIAL ADVISOR TO THE GOVERNOR  
CENTRAL DIAMOND TEAM MEMBER-CHIEF FINANCIAL OFFICER  
CENTRAL DIAMOND TEAM MEMBER-CHIEF PERSONNEL OFFICER  
CENTRAL DIAMOND TEAM MEMBER-CHIEF BUDGET OFFICER  
CENTRAL DIAMOND TEAM MEMBER-CHIEF PROCUREMENT OFFICER  
CENTRAL DIAMOND TEAM MEMBER-LEGISLATIVE COORDINATOR

The Department of Information Technology's proposed allocation of the above positions to the CEA category has been approved for 24 months.

- (2) ASSISTANT SUPERINTENDENT (VENTURA YOUTH CORRECTIONAL FACILITY)  
The Department of the Youth Authority proposed allocation of the above position to the CEA category has been approved for 24 months.

ACTION: Noted

16. WRITTEN STAFF REPORT FOR BOARD INFORMATION

- A. Report on all new Career Executive Assignment (CEA) positions for the Chair of the Joint Legislative Budget Committee.

ACTION: Report presented

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May 4, 1999

A D J O U R N M E N T

CALIFORNIA STATE PERSONNEL BOARD MEETING  
801 Capitol Mall  
Sacramento, California

Public Session Location - Room 150  
Closed Session Location - Room 141

CONCURRENT BOARD MEETING MINUTES

MAY 5, 1999

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

BOARD MEMBERS PRESENT:

Florence Bos, President  
Ron Alvarado, Vice President  
Richard Carpenter, Member  
William Elkins, Member  
Lorrie I. Ward, Member

2. ORAL ARGUMENT

Oral argument in the matter of **EDWARD KROHN**, Case No. 98-4377.  
Appeal from 30 working days suspension. Department of  
Transportation.

Persons Participating:

Steven Welty, Attorney at Law, Mastagni, Holstedt & Chiurazzi,  
representing appellant  
Navtej Bassi, Attorney at Law, representing Department of  
Transportation

ACTION: Submitted

3. ORAL ARGUMENT

Oral argument in the matter of **MARY CATHERINE GRAY**, Case No.  
98-0578. Appeal from dismissal. Department of Corrections.

Persons Participating:

Mary Catherine Gray, Appellant, acting Pro per



Cynthia Rodriguez, Staff Counsel, representing Department of Corrections

ACTION: Submitted

4. **HEARING**

MEDICAL TECHNICAL ASSISTANT, (PSYCHIATRIC)

SENIOR MEDICAL TECHNICAL ASSISTANT (PSYCHIATRIC)

The Department of Mental Health proposes establishing the classifications Medical Technical Assistant (Psychiatric) and Senior Medical Technical Assistant (Psychiatric); adoption of 6 and 12-month probationary periods as indicated; and designation of the classifications as "sensitive" for the purpose of pre-employment drug testing.

Persons Participating:

Patricia Embly, Staff, California State Personnel Board  
Dennis Pangburn, Program Director, Psychiatric Day Treatment,  
Department of Mental Health  
Yolanda Anderson, Associate Personnel Analyst, Department of  
Mental Health

ACTION: Adopted on May 5, 1999

VOTE: Bos, Alvarado, Carpenter, Elkins, Ward - Aye.

5. **HEARING**

CUSTODY OFFICER, DEVELOPMENTAL CENTER

ACTION: Hearing withdrawn, to be re-scheduled at later Board meeting date.

6. TECHNICAL TRAINING PROGRAM'S SELECTION ANALYST CERTIFICATES  
PRESENTATION

ACTION: Presentations held.

7. REPORT OF THE EXECUTIVE OFFICER - Walter Vaughn

The Board was advised of the following:

- A. The May 4, 1999 job fair and public service recognition event was a success. The event featured the presentation of proclamations from the Governor and Lieutenant Governor, a resolution from the Assembly, and a letter of support from the Senate. Assemblyman Steinberg was the master of ceremony for the event. Senator Ortiz, Assemblyman Wright, Agency Secretary

Adams, Perry Kenny, President of California State Employees' Association and Don Novey, President of California Correctional Peace Officers Association addressed the participants. Over 50 state departments were included in the job fair.

- B. The Board's budget was approved by the Senate budget subcommittee. The Assembly budget committee is expected to consider our budget within the next two weeks.
- C. Finance has approved augmentations for Service wide Examining and Quality Assurance units.

8. REPORT OF THE CHIEF COUNSEL - Elise Rose

The Chief Counsel reported on:

**Litigation**

- A. Wilson v. State Personnel Board - The appellant's and cross-appellant's are working on putting together the record on appeal.
- B. Association of California State Attorneys and Administrative Law Judges (ACSA) v. Department of Personnel Administration (DPA) - The hearing on ACSA's petition and complaint challenging the validity of the discipline provisions of Unit 8 Memorandum of Understanding is currently scheduled to go forward on May 28, 1999 at 10:00 a.m. before Judge Connelly.
- C. Kidd/Swiden v. State Personnel Board, et al. - A settlement conference in the case is scheduled for May 10, 1999.

**Other**

- A. Peremptory Challenge Pilot - In the works in the Appeals Division is a peremptory challenge pilot that will enable parties to an appeal assigned to the evidentiary hearing process to have some input into the selection of the Administrative Law Judge assigned to hear their appeal. The goal is to have the pilot in place early next fiscal year.
- B. The regulations governing challenges to personal services contracting have been approved by the Office of Administrative Law and are effective as of May 3, 1999.

- C. The bidding process for Mediation Services Provider closed a 3:00 p.m. on April 30, 1999. The bids will be opened, evaluated and scored this week.

9. REPORT ON LEGISLATION - Judy Balmain

The Board was advised of the following:

- A. The State Personnel Board voted on the following legislation:
  - 1. AB 688 (Steinberg) - This bill would require that contracts over \$50,000, with some exceptions, will have all state agencies give the Board prior notice of personal services contracts, the Board in turn would be required to give notice to the affected unions for their review. The Executive Officer would have approval authority for the contracts. Oppose unless amended to included an appropriations.

VOTE: Bos, Alvarado, Carpenter, Elkins, Ward - Aye.

A D J O U R N M E N T

SUBMITTED

1. JALAL EMAMI, CASE NO. 98-2116. Appeal from constructive medical termination. Department of Water Resources, (Oral argument held March 9, 1999.)

NO ACTION

2. RANDY L. MORENO, CASE NO. 97-4017. Appeal from demotion. Department of Development Services, (Oral argument held March 9, 1999.)

ACTION: On May 5, 1999, adopted board decision revoking demotion; appeal from psychological screening disqualification granted.

VOTE: Bos, Alvarado, Carpenter, Elkins, Ward - Aye.

3. THOMAS MARSHALL, CASE NO. 98-1336. Appeal from non-renewal of employment Head Coach, California State Polytechnic University of Pomona, (Oral argument held March 9, 1999.)

ACTION: On May 5, 1999, adopted Board decision granting motion to dismiss appeal; dismissed appeal from non-renewal of appointment.

VOTE: Bos, Alvarado, Carpenter, Elkins, Ward - Aye.

4. RANDY HENDERSON, CASE NO. 97-1799. Appeal from dismissal. Department of the Youth Authority. (Oral argument held April 6, 1999.)

NO ACTION

5. CLADIS SILVIE, CASE NO. 98-2458. Appeal from dismissal. Department of Corrections. (Withdrawn as oral argument, written argument submitted to Board April 6, 1999.)

NO ACTION

**NOTICE OF GOVERNMENT CODE § 18671.1 RESOLUTION**

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional forty-five days, the Board hereby publishes its substantial reasons for the need for the forty-five day extension for some of the cases now pending before it for decision.

An additional forty-five days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than 6 months as of the date of the Board meeting.

**GOVERNMENT CODE § 18671.1 RESOLUTION**

**WHEREAS**, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

**WHEREAS**, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

**WHEREAS**, the Agenda for the instant Board meeting included an item titled "Notice of Government Code § 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

**WHEREAS**, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

May 5, 1999

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting on May 5, 1999.

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WALTER VAUGHN  
Executive Officer  
California State Personnel Board

VOTE: Bos, Alvarado, Carpenter, Elkins, Ward - Aye.